

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

AFFIDAVIT OF MONICA M. FRANCESCHINI, ESQ.
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

- A. I am a member of the bar of this Court and an associate in the law firm Goodwin Procter LLP.
- B. Together with attorneys Paul E. Nemser, J. Anthony Downs, and William J. Connolly III, all of Goodwin Procter LLP, and Nadine Cohen, Esq. of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association, I represent the Plaintiffs in the above-captioned matter.
- C. I submit herewith, to be filed manually with the Court, Volumes 1 – 5 of Exhibits In Support of Plaintiffs' Motion for a Preliminary Injunction. Contained therein are true and accurate copies of the following documents:

VOLUME 1:

1. City of Springfield, Massachusetts, *Election Handbook*, produced by Defendants in this case.
2. Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000), available at http://www.doe.mass.edu/mcas/1999/race_report.
3. Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001), available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf>.
4. Springfield Public Schools, *Springfield MCAS Results Over Time 2000-2004* (Sept. 22, 2004), available at <http://www.sps.springfield.ma.us/webContent/MCAS-COMPARISON-200Q-2004.pdf>.
5. Massachusetts Department of Education, *MCAS Annual Comparisons for Springfield*, available at <http://profiles.doe.mass.edu/mcas/mcascharts.asp> (search "District" for "Springfield; then click "Enter").
6. Springfield Public Schools, Springfield, Massachusetts, *Distribution of American Indian, White, Black, Asian and Hispanic Pupils, Oct. 1, 2002*, available at <http://www.sps.springfield.ma.us/generalInfo/ResearchAccountability/dataReports.asp> (follow "Report of Pupil Membership by Race - 10/01/02 (PDF)" hyperlink).
7. Springfield Public Schools, Springfield, Massachusetts, *Distribution of Native American, Asian, African American, Hispanic and White Pupils, Oct. 1, 2003*, available at <http://www.sps.springfield.ma.us/generalInfo/ResearchAccountability/dataReports.asp> (follow "Report of Pupil Membership by Race - 10/01/03 (PDF)" hyperlink).

8. Springfield Public Schools, Springfield, Massachusetts, *Distribution of American Indian, White, Black, Asian and Hispanic Pupils, Oct. 1, 2004*, available at <http://www.sps.springfield.ma.us/generalInfo/ResearchAccountability/dataReports.asp> (follow "Report of Pupil Membership by Race - 10/01/04 (PDF)" hyperlink).

VOLUME 2;

9. Massachusetts Department of Education, *Progress Report on Students Attaining the Competency Determination Statewide and by School District: Classes of 2005 and 2006* (June 2005), available at http://www.doe.mass.edu/mcas/2005/results/CDreport_0605.pdf.
10. Massachusetts Department of Education, *2001-2002 Enrollment by Grade Report*, available at <http://profiles.doe.mass.edu/enrollmentbygrade.aspx?mode=&year=2002&filterBy=&orderBy=G9%20DESC>.
11. Massachusetts Department of Education, *Enrollment by Grade* (Oct. 1, 2002), available at <http://www.doe.mass.edu/InfoServices/reports/enroll/03/dg.pdf>.
12. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools: 2002-03* (Apr. 2004), available at <http://www.doe.mass.edu/infoServices/reports/dropout/0203/> (follow "Full Report in PDF Format" hyperlink).
13. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools: 2000-01* (Aug. 2002), available at

<http://www.doe.mass.edu/infoservices/reports/dropout/0001/> (follow "Complete Report in PDF Format" hyperlink).

14. Massachusetts Department of Education, *Dropout Rates in Massachusetts Public Schools 1999-00* (Nov. 2001), available at

<http://www.doe.mass.edu/infoservices/reports/dropout/9900/> (follow "Complete Report in PDF Format" hyperlink).

15. Massachusetts Department of Education, *Grade Retention in Massachusetts Public Schools: 2003-04* (Apr. 2005), available at

<http://www.doe.mass.edu/infoservices/reports/retention/0304/report.pdf>.

16. Massachusetts Department of Education, *Grade Retention in Massachusetts Public Schools: 2002-03* (June 2004), available at

<http://www.doe.mass.edu/infoservices/reports/retention/0203/full.pdf>.

17. Commonwealth of Massachusetts Commission Against Discrimination, Public Accommodations Complaint Form, *Pastors' Council of Greater Springfield v. City of Springfield Police Department*, No. 042403343 (Dec. 15, 2004).

VOLUME 3;

18. Carroll Buracker & Associates, Inc., *Report on a Comprehensive Study of the Springfield Police Department* (May 4, 2005), produced by Defendants in this case.

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19. Memorandum from Michael R. Triggs to Eugene J. Mulcahy, Esq (Feb. 27, 1998), produced by Defendants in this case.

20. Email from Deanna E. Ross to Andrea Stone (June 22, 2005), produced by Defendants in this case.
21. Northeastern University Institute on Race and Justice, *Massachusetts Racial and Gender Profiling Study Final Report* (2004), available at http://www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport.pdf.
22. Richard E. Neal & Kevin Kennedy, *Mayor Neal's Housing Task Force Final Report: The Housing Problem in Springfield, 1988* (Dec. 15, 1988).
23. Pioneer Valley Planning Commission, West Springfield, MA, *Owning a Place to Call Home: An Analysis of Fair and Subprime Lending in the Springfield Metropolitan Area* (Nov. 2003), obtained from the Pioneer Valley Planning Commission.
24. 2000 United States Census Tables: *Sex by Employment Status for the Population 16 Years and Over (Black or African American Alone)*; *Sex by Employment Status for the Population 16 Years and Over (Hispanic or Latino)*; *and Sex by Employment Status for the Population 16 Years and Over (White Alone, Not Hispanic or Latino)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary File 3 (SF 3) - Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for P150B, P150H, and P150I)2000
25. United States Census Tables: *Tenure By Race of Householder; Tenure (Hispanic or Latino Householder)*; *and Tenure (White Alone, Not Hispanic or Latino Householder)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary

- File 3 (SF 3) - Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for H1 1, H12, and H13).
26. 2000 United States Census Tables: *Median Family Income in 1999 (Dollars) (Black or AfricanAmerican Alone Householder); Median Family Income in 1999 (Dollars) (Hispanic or Latino Householder); and Median Family Income in 1999 (Dollars) (White Alone, Not Hispanic or Latino Householder)*, <http://www.census.gov/Press-Release/www/2002/sumfile3.html> (follow "Access to all tables and maps in American FactFinder" hyperlink; then follow "Census 2000 Summary File 3 (SF 3) - Sample Data: Detailed Tables" hyperlink; then search for "Place," "Massachusetts," and "Springfield City;" then search for P155B, P155H, and P155I).
27. City of Springfield Department of Health and Human Services, *Health Update, HIV/AIDS 2004, Springfield, MA, Fourth Edition* (Aug. 23, 2004), produced by Defendants in this case.
28. City of Springfield Department of Health and Human Services, *Health Update, HIV/AIDS Epidemic in the City of Springfield, MA, Third Edition, 2002* (Aug. 15, 2002), produced by Defendants in this case.
29. City of Springfield Department of Health and Human Services, *Health Update, A Profile of the AIDS Epidemic In the City of Springfield, MA, Second Edition 1999*, produced by Defendants in this case.
30. City of Springfield Department of Health and Human Services, *Health Update, Pregnancies and Births, Springfield, MA, 1993-2005*, produced by Defendants in this case.

31. City of Springfield Department of Health and Human Services, *Health Update, Birth to Teens, Springfield, MA, 1993-2000* (Aug. 8, 2002), produced by Defendants in this case.

VOLUME 5:

32. *Police Accused of 'Brutality' At Local Club*, Springfield Daily News, July 17, 1965, at 1, 3.
33. *Representative O'Brien Backs Police*, Springfield Daily News, July 22, 1965, at 1, 5.
34. *Negroes Here Win Plea 7 Accused of Brutality Stay Out of Tension Area*, Springfield Daily News, July 27, 1965, at 1, 9.
35. *Police Department Not Making Own Probe*, Springfield Daily News, July 27, 1965, at 1, 4.
36. *Sworn Statements by Police Accused of Brutality Perused by Commissioners*, Springfield Daily News, July 27, 1965, at 28.
37. *Curfew to Be Lifted If City Remains Calm*, Springfield Daily News, Oct. 16, 1969, at 1, 2.
38. *A Recall of Fracas at Octagon Lounge*, Springfield Daily News, Oct. 16, 1969.
39. *28 Plead Innocent in Disturbance*, Springfield Daily News, Oct. 16, 1969, at 1, 2.
40. *Race Conflict Explodes at Tech High School*, Springfield Daily News, Nov. 5, 1969, at 1, 2.
41. *Tech High Closed, Fights Erupt Outside*, Springfield Daily News, Nov. 7, 1969, at 1.
42. *City Works to Pacify Its School*, Springfield Daily News, Nov. 8, 1969, at 1, 2.
43. *9 Injured in Tech High Fighting*, Springfield Daily News, Sept. 24, 1971, at 1.
44. *Police Keep watch on City's Schools*, Springfield Daily News, Sept. 28, 1971, at 1, 2.
45. *Blacks Want Reply Within 72 Hours*, Springfield Daily News, Sept. 28, 1971, at 1, 2.

46. *Police Will Keep Watch When High Schools Reopen*, Springfield Daily News, Oct. 2, 1971, at 1, 2.
47. *Officer Slays Man in Break Attempt*, Springfield Daily News, Aug. 27, 1975, at 1, 2.
48. *Mayor Issues Plea for Peace in City*, Springfield Daily News, Aug. 28, 1975, at 1, 2.
49. *Latest Shooting Disturbs Anxious City Officials*, Springfield Daily News, Aug. 29, 1975, at 1, 10.
50. Buffy Spencer & Sandra Constantin, *Police Face Accusation Of Brutality*, Union-News July 28, 1988, at 1.
51. Janet Davenport & Beatrice O'Quin, *A Decade That Tore The City*, Republican May 10, 1992, at A1.
52. Rhonda Swan Johnson & Peter Goona, *Black Leaders Outraged By Police Party*, Union News, July 2, 1994, at 1.
53. Brian Melley, *Chief To Send Police Party Probe To FBI*, Union-News, July 6, 1994, at 1.
54. Brian Melley, *Police Fall Short In Minority Hiring*, Republican, July 17, 1994, at A1.
55. Ray Kelly, *Police Panel Informed*, Union-News, Oct. 7, 1994, at 19.
56. Dayna Robin & Buffy Spencer, *Hatred Still Haunts Many Lives - Minorities Face Bias Every Day*, Republican, Oct. 16, 1994, at A1.
57. Dayna Robin *Racial Slurs Happened Every Day*, Republican, Oct. 16, 1994, at A18.
58. Buffy Spencer, *It Was Like No Teacher Understood*, Republican, Oct. 16, 1994, at A18.
59. Jeff Thomas *Silent Season*, Republican Oct. 16, 1994, at D1.
60. Buffy Spencer, *Victims Of Discrimination Describe The Hurt*, Republican, Oct. 16, 1994, at A18.

61. Michael McAuliffe, William Freeb, *WMassMinorities View Police With Mix Of Suspicion, Distrust*, Union-News, Oct. 20, 1994, at 1.
62. Susannah Pugh & Bea O'Quinn Dewbe, *Housing Discrimination Changes Tactics*, Union-News, Oct. 21, 1994, at 1.
63. Brian Melley, Peter Goonan, *Schoolfield/'Ts Long Overdue' Three Patrolmen Facing Charges*, Union-News, Oct. 28, 1994, at 21.
64. Natasha Gural, *Four Arrests, Melee To Be Probed*, Union-News, June 15, 1996, at B1.
65. Michael McAuliffe & Carol Malley, *White Officer Linked To Call*, Union-News, July 6, 1996, at A1.
66. Peter Goonan, *Patrolman Fired Over Call*, Union-News, July 17, 1996, at A1.
67. D.L. Stephenson, *Racial Crisis Possible Says Albano*, Union-News, July 22, 1996, at B1.
68. Kevin Claffey, *Grandmother, 78, Denies Attacking Officer*, Union-News, Aug. 29, 1996, at B2.
69. David Kelly, *Clash Of Race And Perception - Melee Stirs The Pot Of Discontent*, Republican, Nov. 10, 1996, at A1.
70. Buffy Spencer, *Video Shows Officer Kicking Suspect In Head*, Union-News, Apr. 5, 1997, at A1.
71. Opinion, *Taped Police Kick Merits Fair Probe, Swift Justice*, Union-News, Apr. 9, 1997, at A10.
72. Ray Kelly & Ellen J. Silberman, *Tensions Reignite In Wake Of Decision*, The Republican, June 1, 1997, at A1.
73. Adam Gorlick, *Women File Lawsuit Against Officer, City*, Union-News, Aug. 12, 1997, at B1.

74. Rhonda Swan, *Mayor Seeks Federal Probe Of Threat To NAACP Official*, Union-News Aug. 23, 1997, at A1.
75. Rhonda Swan, *FBI Probe Of Letter Rejected*, Union-News Aug. 26, 1997, at A1.
76. Rhonda Swan, *FBI Agrees To Investigate NAACP Letter - Albano 's Appeal Successful*, Union-News Aug. 27, 1997, at A1.
77. Beatrice Dewberry & Jack Flynn, *Ward Vote Loses Battle, But Not War*, Union-News, Nov. 5, 1997, at A1.
78. Jack Flynn, *Officer Apologizes For Kicking Incident*, Union-News, Nov. 13, 1997, at A1.
79. Jack Flynn, *Officer Suspended 1 Year - Kicking Incident Prompts Decision By Commissioners*, Union-News, Nov. 27, 1997, at A1.
80. Clarisel Gonzalez, *Housing Bias Issues Examined In Forum*, Republican, Nov. 8, 1998, at A19.
81. Kevin Claffey, *City Pays Women In Spray Incident*, Union-News, Apr. 2, 1999, at A9.
82. Peter Goonan, *City Reveals \$700,000 Schoolfield Settlement - Result Of Paper's Suit*, Republican, June 6, 1999, at A1.
83. Peter Goonan, *Suits Against Police Put Hole In City's Pocket*, Republican, June 6, 1999, at A1.
84. Peter Goonan, *Council Votes 'No' on Wards*, Union-News, Oct. 5, 1999, at B1.
85. Azell Murphy Cavaan, *Equal Education Untrue 50 Years Ago and Today*, Republican, May 16, 2004, at A1.
86. Azell Murphy Cavaan, *Officials Start Probe Of Police Complaint*, Republican, Nov. 10, 2004, at A1.
87. K. Moore, *Principal Decides To Seek Charges*, Republican, Nov. 15, 2004.

88. Chris Hamel, *Police Board Backs Officers*, Republican, February 1, 2005, at B1.
89. Azell Murphy Cavaan, *Agency To Probe Police Abuse Claims*, Republican, February 9, 2005, at B1.
90. Carol Malley, *Federal Probe Of Police Started*, Republican, February 16, 2005, at B1.
91. Video tape: *Micropolis: Springfield Wakes from the Dream* and *The Valley Has Highs and Lows* (ASTV and the Springfield Cable Endowment) (on file with the Springfield College Babson Library).

Signed under penalties of perjury, this 15th day of July, 2005.

/s/ Monica M. Franceschini
Monica M. Franceschini